

(Rev. 5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Zuavey Kadafi
Aka Timothy Smith *C-11-#203568*
(1) _____
(Name of Plaintiff) (Inmate Number)

H. R. Y. C. I. P.O. box 9279, Wilmington, De 19809
(Complete Address with zip code)

(2) _____
(Name of Plaintiff) (Inmate Number)

06-684-

(Case Number)
(to be assigned by U.S. District Court)

(Complete Address with zip code)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

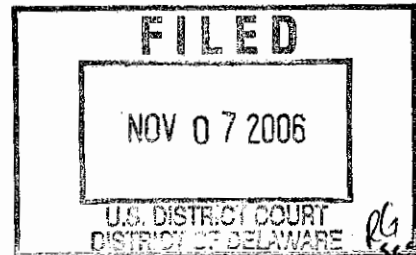
vs.

(1) *Lawrence M. Sullivan*
(2) *John Edinger*
(3) *Brendan O'Neill*
(Names of Defendants)

(Each named party must be listed, and all names
must be printed or typed. Use additional sheets if needed)

CIVIL COMPLAINT

• Jury Trial Requested



I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

N/A

II. EXHAUSTION OF ADMINISTRATIVE REMEDIES

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • • No

C. If your answer to "B" is Yes:

1. What steps did you take? I've contacted all defendants and requested resolution to Complaint. I also contacted the office of disciplinary counsel.
2. What was the result? NO resolution

D. If your answer to "B" is No, explain why not: N/A

III. DEFENDANTS (in order listed on the caption)

(1) Name of first defendant: Lawrence Sullivan
 Employed as Public Defender at Carvel State Office Bldg.
 Mailing address with zip code: 820 North French St., Wilmington
Delaware 19801

(2) Name of second defendant: John Edinger
 Employed as Ass't Public Defender at Carvel State Office Bldg.
 Mailing address with zip code: 820 North French St. Wilmington
Delaware 19801

(3) Name of third defendant: Brenden O'Neill
 Employed as Ass't Public Defender at Carvel State Office Bldg.
 Mailing address with zip code: 820 North French Street Wilmington
Delaware 19801

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

IV. STATEMENT OF CLAIM

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. Lawrence Sullivan being the Management of all Public Defenders, was notified of a conflict of interest existing between Asst Public Defender John Edinger and I, and fail to intervene.
2. Brenden O'Neill being the direct supervisor of counsel John Edinger was notified via Office of Disciplinary counsel that I had made a office complaint against counsel John Edinger as well as I personally left numerous messages on ~~Brenden~~ Brenden O'Neill voice mail apprising him of the dissatisfaction of current counsel. this Supervisor never responded to my complaints or offered a resolution.
See ~~see~~ attached for other Defendants

V. RELIEF

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. • To discharge current counsel John Edinger
• Assist and appointment of new Counsel.
• To get a stay or continuance of Trial scheduled for Nov. 28, 06 until the resolution of this matter.

3. Plaintiff was arrested on 04-02-06 for charges of Robbery 1st and PDWDCF.

Preliminary hearing was held on 04-12-06 and bail was set in amount of \$ 66,000 secured.

ON 05-01-06 Plaintiff was indicted on Robbery 1st and PDWDCF.

ON 06-19-06 a case review/arraignment was held and Plaintiff rejected states Plea offer.

ON 06-26-06 Plaintiff was Reindicted on charges Robbery 1st, PDWDCF, Assault 2nd, PDWDCF and PDWBPP.

ON 7-11-06 Arraignment/bail hearing took place and Plaintiff's bail was set at \$ 40,000 sec.

ON 9-25-06 at Plaintiff final case review, Plaintiff attempted to reveal to Counsel "Pre-Trial motion" to dismiss indictment for the appearance of vindictiveness. IN no way did counsel allow me to prove the merits of such motion. In fact counsel John Edinger stated "I don't want to hear a bunch of legal mumbo jumbo" and walked out. Entire meeting lasted approx. 5 min.

ON 9-25-06 I WAS brought in front of Hon. Judge Toliver for the record of asserting a right to Trial. On record I informed Judge Toliver that I was not confident and not satisfied with present Counsel.

ON 9-28-06 I was called to meet with Counsel via video. Upon entrance to video room, Counsel

advised that the state is seeking a continuance to Trial date October 03, 06. I asked counsel will he file a "motion to dismiss" for denial of Speedy Trial. His reply was "Trust me, I'll do it".

I expressed my concern for his lack of providing Discoverable materials that his word is not promising. He stated "You're going to have to Trust me" entire meeting lasted approx. 2 min.

ON October 03, 06 the day of my Trial I met with Counsel at the Court house and asked him did he object or motion to dismiss. He stated "NO" I emphasis that he stated on Sept 28, 06 to Trust you, you would. His response was "Well I guess you can't trust me then" and "You'll have a colorable claim of 61 ineffective assistance of counsel and I'll be fired and disbarred"

I then asked counsel will he file my Pre-Trial motions. He replied "I'm not filing Any Pre-Trial motions".

ON 10-12-06 Plaintiff filed complaint to Office Disciplinary Counsel.

Plaintiff also made verbal complaints to the following Mr. Brenden O'Neill, Secretary Debbie, Mr. Brian Bartley.

2. • To implement a policy to prevent such complaints reaching District Court to be able to have a resolution within the Superior Ct.

3.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6 day of November, 2006

Yvonneaf Roden

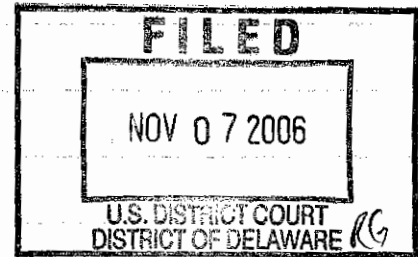
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)

06-684

Zuavey Kaddi



Slanned

Oct. 06, 06

Dear Clerk,

06-684

Please be advised that the enclosed complaint is the original and I am asking that you please make the appropriate copies for the defendants.

Unfortunately, I am indigent and do not have the additional postage to send additional copies. The prison here is not allowing mail to go out without postage stamps.

I really appreciate any assistance in processing this complaint.

I will be further sending my prison account as soon as the prison furnishes

Very Truly yours:

Zuavey Kaddi